

58-9-612 Limitation of liability.

- (1) An authorizing agent who signs a cremation authorization form warrants the truthfulness of the facts set forth on the form, including:
 - (a) the identity of the deceased whose remains are to be cremated; and
 - (b) the authorizing agent's authority to order the cremation.
- (2) A funeral service establishment may rely upon the representations made by an authorizing agent under Subsection (1).
- (3) The authorizing agent is personally and individually liable for all damage resulting from a misstatement or misrepresentation made under Subsection (1).
- (4)
 - (a) A funeral service establishment may arrange for the cremation of and cremate human remains upon receipt of a cremation authorization form signed by an authorizing agent.
 - (b) A funeral service establishment that arranges a cremation, cremates human remains, or releases or disposes of cremated human remains pursuant to a cremation authorization form is not liable for an action it takes pursuant to that authorization.
- (5) A funeral service establishment is not responsible or liable for any valuables delivered to the establishment with human remains to be cremated.
- (6) A funeral service establishment may refuse to arrange for a cremation, to accept human remains for cremation, or to perform a cremation:
 - (a) if the establishment is aware of a dispute concerning the cremation of the human remains and it has not received a court order or other suitable confirmation that the dispute has been resolved;
 - (b) if the establishment has a reasonable basis for questioning any of the representations made by an authorizing agent; or
 - (c) for any other lawful reason.
- (7)
 - (a) If a funeral service establishment is aware of a dispute concerning the release or disposition of cremated remains in its possession, the establishment may refuse to release the remains until:
 - (i) the dispute has been resolved; or
 - (ii) it has received a court order authorizing the release or disposition of the remains.
 - (b) A funeral service establishment is not liable for its refusal to release or dispose of cremated remains in accordance with this Subsection (7).

Enacted by Chapter 353, 2008 General Session